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PATENTS

Attorney Docket No. 18136-1050

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Zhang et al.

: Customer Number: 25213

App. No.: 09/728,309

: Art Unit: 1646

Filed: November 30, 2000

: Examiner: Brannock, Michael T.

For: Human VNO Receptor (R1)

Box DAC
Commissioner for Patents
Washington, DC 20231

Sir:

PETITION FOR REVIVAL OF AN APPLICATION
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

The above-identified application became *de facto* abandoned for failure to timely file a Request To Rescind Previous Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(ii). The date of abandonment is the day 45 days after the filing of an international or foreign application. A PCT application was filed on November 30, 2001, making the date of abandonment of the above-identified application January 15, 2002.

APPLICANTS HEREBY PETITION FOR REVIVAL OF THIS APPLICATION.

1. **Petition Fee**

The petition fee of \$640.00 is enclosed by check. Pherin Pharmaceuticals, Inc. is a small entity.

RECEIVED

APR 25 2002

OFFICE OF PETITIONS

APR 24 2002

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APR 16 2002

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APR 22 2002

TECHNOLOGY CENTER 2800

2. Reply and/or Fee

The Request To Rescind Previous Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(ii) is enclosed herewith.

3. Terminal Disclaimer

As the application has a U.S. filing date after June 8, 1995, no terminal disclaimer is required.

4. Statement

The entire delay in filing the required Request To Rescind Previous Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(ii) was unintentional. A detailed statement follows:

The application file was recently reviewed as a result of preparing a response to a Restriction Requirement mailed March 5, 2002. As a result of that review, the undersigned agent noted that a Request and Certification under 35 U.S.C. 122(b)(2)(B)(i) for nonpublication of the application was filed on November 30, 2000 upon filing of the U.S. application. The filing receipt mailed on May 22, 2001 indicates that a Nonpublication Request was filed. Due to an oversight, the filing of the Nonpublication Request was never recorded and docketed. As a result, a reminder to file the Request To Rescind Previous Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(ii) within 45 days of the filing of an international or foreign application was never docketed. While an attorney of record noted the filing of the Nonpublication Request in the file, this notification was overlooked when foreign filing instructions were given. This Petition for Revival and associated papers follow.

No Notice of Abandonment has been received by the undersigned agent.

Pherin Pharmaceuticals, Inc. respectfully submits that there has never been an intention by Pherin or their representatives to abandon the application or delay its issuance. Pherin respectfully submits also that the entire delay was unintentional.

5. Enclosures

A. Fee payment (\$640.00) by check.

The Office is authorized to charge any deficiency in the fee, or to refund any overpayment, to Deposit Account No. 08-1641 (Heller Ehrman White & McAuliffe LLP), referring to 18136-1050. A duplicate copy of this Petition is enclosed.

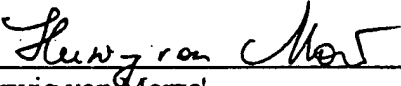
B. Request To Rescind Previous Nonpublication Request under 35 U.S.C.
122(b)(2)(B)(ii).

6. Conclusion

Entry of the Request To Rescind Previous Nonpublication Request under 35 U.S.C.
122(b)(2)(B)(ii) and grant of the petition for revival is respectfully requested.

Respectfully submitted,

Date: March 28, 2002



Herwig von Morze'
Agent for Applicants
Reg. No. 29,484

Heller Ehrman White & McAuliffe LLP
275 Middlefield Road
Menlo Park CA 94025-3506
Direct: (650) 324-7176